

### REMARKS

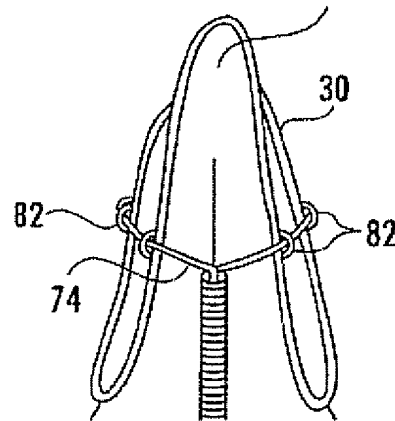
Reconsideration of the above-identified application in view of the amendments above and the remarks following is respectfully requested.

Claims 15-28 are in this case. Claims 20-27 have been withdrawn from consideration by the Examiner as drawn to a non-elected species. Claims 15-19 and 28 have been rejected under § 102(b). Independent claim 15 has now been amended.

### § 102(e) Rejections

The Examiner has rejected claims 15-19 and 28 under § 102(b) as being anticipated by Lauterjung (US 6740111). The Examiner's rejections are respectfully traversed.

Lauterjung teaches a clamping ring for retaining a prosthesis, specifically a tubular stent graft, in position within a body passage. For delivery, the clamping ring is quadruple-folded, i.e., with two rearward folds and two forward folds, thereby having a folded size at least the dimensions of four thicknesses of the wire, and apparently significantly greater as shown here. This requires a delivery system which is large compared to the dimensions of the vessel into which the device is to be delivered.



In contrast, the device of the present invention provides an intravascular device having a retention configuration including at least one closed loop of flexible material which is deployed within a lumen of a delivery system folded on itself and substantially straightened so as to extend substantially parallel to said feed direction. This deployment configuration is highly advantageous, providing a particularly small

footprint, and thereby allowing the use of a much smaller delivery system than Lauterjung for a given diameter of vessel.

In relating to the current claim language, the Examiner has stated that the recitations: "*configured to assume a first state in which said closed loop is folded on itself and substantially straightened so as to extend substantially parallel to said feed direction*"; and "*results in deployment of said loop in a direction generally perpendicular to said feed direction,*" are "simply functional language." The Examiner has asserted that, "The device of Lauterjung is capable of performing in a manner set forth in the claims," and therefore finds the claim language to be anticipated.

In response, the Applicant respectfully submits that the device of Lauterjung is not in fact capable of performing in the manner set forth in the claims. Specifically, it appears evident that any attempt to straighten the device to extend parallel to the feed direction would be expected to rip or otherwise cause irreparable harm by grossly deforming to the tubular stent graft which is attached thereto.

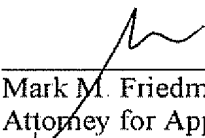
While continuing to traverse the Examiner's rejections, the Applicant has, in order to expedite the prosecution, chosen to amend independent claim 15 so as to further emphasize the clear distinction between the delivery state of the device of the present invention and that of the Lauterjung device. Specifically, the "*configured to assume*." language which the Examiner interpreted to be purely functional has been replaced by a tangible statement that the retention configuration includes "*at least one closed loop of flexible material deployed within said lumen in a first state in which said closed loop is folded on itself and substantially straightened so as to extend substantially parallel to said feed direction to allow delivery through said delivery*

*system,”* thereby rendering the straightened delivery configuration a clearly recited structural feature of the claimed device.

The Applicant believes that this amendment ensures that the claim language referring to the *“closed loop of flexible material being substantially straightened so as to extend substantially parallel to said feed direction”* is now a clear structural limitation defining the initial state of the loop within the delivery system, thereby clearly distinguishing over the teachings of Lauterjung. These amendments are believed to clearly overcome the Examiner’s rejections under § 102(e).

In view of the above amendments and remarks it is respectfully submitted that independent claim 15, and hence also dependent claims 16-28, are in condition for allowance. Prompt notice of allowance is respectfully and earnestly solicited.

Respectfully submitted,

---

Mark M. Friedman  
Attorney for Applicant  
Registration No. 33,883

Date: December 11, 2006